

**BOARD OF APPEALS CASE NO. 4865**

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**BEFORE THE**

**APPLICANT: Henry & Cynthia Goetzinger**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct a  
dwelling 44 feet high in the AG District;  
2656 Baldwin Mill Road, Baldwin**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 11/4/98 & 11/11/98**

**HEARING DATE: January 20, 1999**

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**Record: 11/6/98 & 11/13/98**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicants, Henry and Cynthia Goetzinger, are requesting a variance to Section 267-34(C), Table II, of the Harford County Code, to construct a dwelling higher than 35 feet.

The subject property is located at 2656 Baldwin Mill Road in the Fourth Election District. The parcel is identified as Parcel No. 194, in Grid 2-A, on Tax Map 47. The parcel contains 53.214 acres, more or less, all of which is zoned Agricultural.

Mr. Henry Goetzinger appeared and testified that he purchased the subject property approximately 4 years ago and that he currently has a dwelling under construction on the parcel. The Applicant said that due to topographic conditions on the parcel, the southeast corner of the dwelling will be 44 feet above grade. The Applicant said that he will be required to do substantial grading to alleviate this problem due to topographic conditions. The Applicant said that the dwelling cannot be seen from Baldwin Mill Road because of existing woodland. He also explained that the dwelling is approximately 3,000 feet from Baldwin Mill Road. The witness said the subject parcel is unique because of its unusual shape, the distance to Baldwin Mill Road from the dwelling, and the topography of the parcel. He said he did not feel the variance would be detrimental to adjacent properties or materially impair the purpose of the Code because none of his neighbors appeared to testify against the request and because the dwelling is approximately 3,000 feet from Baldwin Mill Road.

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The Staff Report of the Department of Planning and Zoning recommends approval of the Applicants' request and provides:

“The Applicants obtained a permit prior to construction of the dwelling. The permit stated that the dwelling would be 34.5 feet in height. However, due to the topography and the design of the roof, the Applicants were not able to maintain this height during construction of the dwelling.”

### **CONCLUSION:**

The Applicants are requesting a variance to Section 267-34(C), Table II, of the Harford County Code, which allows a maximum height of 35 feet in the Agricultural District. The Applicant is proposing 44 feet and testified that topographic conditions exist which justify approval of the variance. The Applicant said that if the variance is denied, it will require substantial grading and that only the southeast corner of the house will exceed the 35 foot height requirement. The Applicant said the property is unique because of its unusual shape, the distance to Baldwin Mill Road and the topography where the dwelling is being constructed. The Applicant also said he did not feel the variance would be detrimental to adjacent properties or materially impair the purpose of the Code because none of his neighbors appeared in opposition to the request.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in his testimony and, further, that approval of the variance will not be detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the variance be approved to allow the maximum height of the dwelling on the subject parcel not to exceed 44 feet.

Date            FEBRUARY 4, 1999

L. A. Hinderhofer  
Zoning Hearing Examiner